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**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

RANDALL T. FENNELL,

Plaintiff,

vs.

**MATTHEW T. GREGORY, former Attorney
General, GREGORY BAKA, Acting Attorney
General, ANTHONY WELCH, Assistant
Attorney General, TOM J. SCHWEIGER,
Assistant Attorney General, and DOES 1-20, in
their official and individual capacities,**

Defendants.

CIVIL CASE NO. CV 09-0019

**NOTICE OF MOTION AND MOTION
TO INTERVENE**

Date: _____

Time: _____

TO ALL PARTIES AND THEIR COUNSEL OF RECORD, please take notice that on September ____, 2009 at ____ a.m./p.m. or as soon thereafter as this matter can be heard, The Bank of Saipan, Inc. ("Bank"), pursuant to Local Rule 7.1 and Federal Rules of Civil Procedure 24, will and hereby does respectfully move this Court for permission to intervene in this action for the purpose of seeking dismissal or, in the alternative, to stay the proceedings under the authority of *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976). This Motion is based upon this Notice of Motion and Motion, the Bank's Request for Judicial Notice filed concurrently herewith, the accompanying Memorandum of Points and Authorities, all pleadings and records on file in this matter, and any argument that may be heard hereon. Pursuant to FRCP 24(c), a Proposed Motion to Dismiss, or in the Alternative, to Stay has also been lodged concurrently herewith.

**LAW OFFICE OF WILLIAM FITZGERALD
CALVO & CLARK, LLP**
*Attorneys for Bank of Saipan, Inc.,
Defendant Intervenors*

By: /s/
William M. Fitzgerald